

REMARKS/ARGUMENTS

The Examiner has indicated that restriction to one of the following inventions is required under 35 U.S.C. § 121:

- I. Claims 41-52, 55-56, and 75 drawn to DNA, vector, host cell and composition and a kit;
- II. Claims 51-52, drawn to a transgenic animal;
- III. Claims 51-52, drawn to a transgenic plant;
- IV. Claims 53 and 54, drawn to SNP-specific antibodies;
- V. Claims 53 and 54, drawn to SNP-specific aptamers;
- VI. Claims 53 and 54, drawn to SNP-specific phages;
- VII. Claims 56-67, and 72-75, drawn to a method of diagnosis of a disease traits association study;
- VIII. Claim 55, drawn to a method of pharmaceutical treatment; and
- IX. Claims 68-71, drawn to a method of testing for hypolactasia with an antibody.

In response to the restriction requirement, Applicants elect Group I, drawn to DNA, vector, host cell and composition and a kit. Claims readable thereon include claims 41-52, 55-56 and 75, with traverse. As for a particular species, Applicants elect SEQ ID No. 5, wherein the LPH gene has a cytosine at position -13910.

Applicants note that SEQ ID No. 1 is a fragment of SEQ ID No. 5, and as such, this fragment should be joined in the search as well.

Further, Applicants traverse the restriction between the elected species SEQ ID No. 5 (variant) having a cytosine at position -13910 and SEQ ID No. 3 (wild-type) having a thymidine at position -13910. These sequences are classified in the same class and subclass and therefore, no undue burden exists to search these sequences together. These sequences differ by a single nucleotide polymorphism. Applicants believe that SEQ ID No. 3 should be joined and searched with the elected species.

Appl. No. 10/775,501
Amdt. dated November 13, 2006
Reply to Office Action of October 11, 2006

PATENT

In view of the foregoing, Applicants respectfully request early action on the merits. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925.472.5000.

Respectfully submitted,



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